United Nations CCPR/C/SR.2367

International Covenant on Civil and Political Rights

Distr.: General
10 April 2006

Original: English

Human Rights Committee

Eighty-sixth session

Summary record of the 2367th meeting

Held at Headquarters, New York, on Friday, 31 March 2006, at 10 a.m.

Chairperson: Ms. Chanet

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06-29262 (E)

The meeting was called to order at 10.10 a.m.

Follow-up on concluding observations on State reports

Progress report of the Special Rapporteur for Follow-up on Concluding Observations

1. **Mr. Rivas Posada** (Special Rapporteur for Follow-up on Concluding Observations) said that a few amendments still needed to be made in the text of the progress report. The name of the Republic of Moldova should be corrected in the French and Spanish versions. He suggested that a standard formula should be used where no further action was recommended. The list contained in the report served to remind Committee members and inform the public that the Committee had requested further information from certain States parties and had received either no response or only a partially satisfactory one.

2. **Mr. Lallah** pointed out that the date of the eighty-sixth session at the end of the report should be March 2006.

3. **The Chairperson** requested Mr. Rivas Posada to provide more detail on cases described in the progress report that merited particular attention.

4. **Mr. Rivas Posada** (Special Rapporteur for Follow-up on Concluding Observations) said that no response had been received for several years from the Bolivarian Republic of Venezuela, for instance, to requests from the Committee for more information on certain aspects of its submission. The Committee had requested him to contact the delegation, which he had done in Geneva in October 2005. The delegation had indicated that it was aware of the problem but had not committed itself to sending more information. Since many of the items in the follow-up report dealt with matters that went back several years, he wished to add more detail on the specific observation in regard to which more information or action had been requested.

5. **Sir Nigel Rodley** said that the report referenced the concluding observations for the States parties in question, which required Committee members to find those concluding observations, some of which were several years old. It would be more helpful to have the recommendations in the follow-up report refer to the subject of the observation in question. It was also difficult to see from the report whether and how the State party was complying with the observations. It would be helpful if the secretariat would assist the Rapporteur in making the report more descriptive and informative on the nature of the State party's response.

6. **Mr. Solari Yrigoyen** asked when the overdue Venezuelan report had been due.

7. **Mr. Lallah** said that the follow-up report would be included as an annex to the Committee's report and served to put pressure on States parties. It needed to be as clear and informative as possible to readers not directly familiar with the Committee's work.

8. **Mr. Rivas Posada** (Special Rapporteur for Follow-up on Concluding Observations) said he agreed that follow-up reports had tended to be too brief and telegraphic and should perhaps include a summary for each problem referred to. As his report was only a progress report, there was still time to improve it.

9. **Mr. Gillibert** (Secretary of the Committee), responding to Mr. Solari Yrigoyen's question, said that the Venezuelan fourth report had been due in April 2005.

10. **Mr. Rivas Posada** (Special Rapporteur for Follow-up on Concluding Observations) said that he had also contacted the delegations of El Salvador and the Republic of Moldova. The Salvadorian delegation had produced a complete reply three days previously, and his recommendation was that no further action should be taken with regard to that country. He had not been able to contact Mali or Namibia as of yet.

11. In the case of Sri Lanka, the State party had finally submitted a written reply, but it did not include an answer to paragraph 10 of the concluding observations (CCPR/CO/79/LKA) concerning investigation and prosecution of the large number of enforced or involuntary disappearances during the time of the armed conflict. Since that was an issue of some importance, he was recommending that the Committee should request a complete response to supplement the partial reply.

12. Although he had not been able to have the meeting he had requested with representatives of Benin, nonetheless the State party had recently submitted a response in writing to all the questions posed by the Committee, so that no further action was required.

13. The responses received initially from Uganda had not been clear, complete and convincing. The State party had pointed to the difficulties it was encountering in preparing all the reports required by international bodies and had promised a reply on outstanding issues by July 2006.

14. *The recommendations contained in the report of the Special Rapporteur for Follow-up on Concluding Observations were approved.*

15. **Mr. Rivas Posada** (Special Rapporteur for Follow-up on Concluding Observations) said that, in order to improve such reports in future, it would be helpful if the Committee could discuss the criteria that should be applied in order to conclude that replies were fully satisfactory, not merely complete, and that no further follow-up action was needed. Just because a State party produced an answer to all the questions did not mean that all the issues had been addressed to the Committee's satisfaction. In addition, he wondered whether the Committee could use stronger language in subsequent notes to States parties that had failed to respond to initial contacts. Sending successive letters of the same kind did not appear to bring results. Stronger language did not, of course, ensure a positive response, but it might help in some cases to get the attention of the States parties.

16. **The Chairperson** said that those questions could be discussed in the working group being formed to improve follow-up procedures.

Closure of the session

17. **The Chairperson**, noting that the Committee had completed its full agenda, said that the innovation of an extended time for meeting with non-governmental organizations had proved to be particularly useful. The Committee could also be proud of having dealt with 37 communications, of which 19 had resulted in the adoption of Views on the merits.

18. **Mr. Amor** said that the Committee should be pleased at both the quantity and the quality of the work it had accomplished. The Views the Committee had adopted showed that its jurisprudence was evolving and not static and took into account current reality. Perhaps for that reason, other international courts, such as the International Court of Justice and the European Court of Human Rights, were increasingly referring to the Committee's case law. It was important to strive to make it better known both within and outside the United Nations system.

19. After the customary exchange of courtesies, **the Chairperson** declared that the Human Rights Committee had completed its work for the eighty-sixth session.

The meeting rose at 10.55 a.m.